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*Attorneys for Defendant  
Xio Interactive Inc.*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

TETRIS HOLDING, LLC and THE  
TETRIS COMPANY, LLC,

Plaintiffs,

-against-

XIO INTERACTIVE INC.,

Defendant.

Civil Action No. 3:09-CV-6115 (FLW) (DEA)

Honorable Freda L. Wolfson, U.S.D.J.  
Honorable Douglas E. Alpert, U.S.M.J.

**XIO INTERACTIVE INC.'S  
NOTICE OF MOTION AND MOTION FOR  
SUMMARY JUDGMENT OF NON-INFRINGEMENT**

**PLEASE TAKE NOTICE** that at on December 5, 2011, or as soon thereafter as the matter may be heard, in the courtroom of the Honorable Freda L. Wolfson, U.S.D.J. (Courtroom 5E), located at Clarkson S. Fisher Building & U.S. Courthouse, 402 East State Street, Trenton, NJ 08608, Defendant Xio Interactive Inc. moves the Court for summary judgment on all Plaintiffs Tetris Holding, LLC and Tetris Company, LLC's claims.

**PLEASE TAKE FURTHER NOTICE THAT** Xio submits in support of Xio's Motion for Summary Judgment of Non-Infringement (1) a Memorandum of Points and Authorities, (2) a Separate Statement of Undisputed Material Facts, and (3) a Declaration of Sonali D. Maitra and supporting exhibits filed therewith.

**PLEASE TAKE FURTHER NOTICE** that Xio also submits a Proposed Order granting this motion.

Dated: September 30, 2011

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By: /s/ Donald A. Robinson  
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-and-

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XIO Interactive, Inc.*

**CERTIFICATE OF SERVICE**

I certify that on September 30, 2011, I caused a copy of defendant's motion to seal certain documents to be served upon plaintiffs' counsel of record via the Court's electronic filing system.

*/s/ Donald A. Robinson*

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